

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 904-5200



# Th 5a

September 23, 2004

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director  
Diane Landry, District Manager  
Mike Watson, Coastal Planner

SUBJECT: **CITY OF CARMEL-BY-THE-SEA LCP IMPLEMENTATION PLAN CML-IP-SUB-R2 CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of Carmel-by-the-Sea accepting the Commission's certification of LCP Implementation Plan with modifications No. CML-IP-SUB-R2 is legally adequate. For Commission review at the meeting of October 14, 2004 in San Diego.

## A. BACKGROUND

At the February 20, 2004 meeting in La Jolla, the Coastal Commission approved, with suggested modifications, the City of Carmel-by-the-Sea Local Coastal Program (LCP) Implementation Plan 2<sup>nd</sup> re-submittal. An extension of the six month time limit for accepting the modifications was approved by the Commission at the August 11, 2004 Commission meeting. The Land Use Plan (previously certified) and Implementation Plan include policies and ordinances designed to ensure that Carmel's unique community character is preserved. In addition, the Implementation Plan establishes the specific standards and guidelines needed to carry out the intent of the stated Land Use Plan policies and goals of preserving community character and maintaining the urban forest, providing public access and visitor-serving recreational opportunities, addressing shoreline hazards, and protecting water quality throughout the City. Most significantly, the Implementation Plan establishes the framework for preserving historic cottages and dwellings and requires the creation and recordation of a historic resources inventory, a central issue of previous attempts at certification.

By action taken April 6, 2004 the City of Carmel-by-the-Sea adopted the Implementation Plan text as modified by the Commission. Please see Exhibit A. By action on a companion resolution on October 5, 2004, the City will agree to issue coastal permits for the City of Carmel. Assuming this resolution is passed by the Council, it will be included in the Central Coast District Director's Report for October. This action follows the April action by the City, which did not



**California Coastal Commission**  
**October 14, 2004 Meeting in San Diego**

Staff: MW Approved by:

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Certification Review strfpt 9[1].23.04.doc

specify a date certain for accepting permitting authority as required by Sec. 13544(a) of the Commission's Regulations. The Land Use portion of the Carmel LCP was certified on February 20, 2004.

## **B. EFFECTIVE CERTIFICATION**

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the Carmel Local Coastal Plan to become effective, the Executive Director must determine that the City's actions are legally adequate and report that determination to the Commission. The Executive Director has determined that the actions taken by the City are legally adequate and that the IP should be certified. The Executive Director further recommends that the Commission concur with this determination and that the IP be certified. Since the LUP has been previously certified, certification of the IP will result in the City having a certified LCP as of this date. Unless the Commission objects to the determination, the certification of Carmel-by-the-Sea LCP Implementation Plan re-submittal No. CML-IP-SUB-R2 shall become effective as will the Carmel LCP.

## **C. STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the determination of the Executive Director that the action of Carmel-by-the-Sea accepting the Commission's certification of Carmel-by-the-Sea LCP Implementation Plan re-submittal No. CML-IP-SUB-R2 is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.



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**October 15, 2004**

Mayor Sue McCloud  
City of Carmel-by-the-Sea  
Box CC  
Carmel-by-the-Sea, CA 93921

Subject: ***Certification Review for the City of Carmel-by-the-Sea Local Coastal Program, Implementation Plan Re-Submittal (CML-IP-SUB-R2)***

Dear Mayor McCloud,

We have reviewed the City of Carmel-by-the-Sea City Council Resolution Number 2004-30 adopted by the Council on April 6, 2003. By that action, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Implementation Plan re-Submittal (CML-IP-SUB-R2) and incorporated the Commission's suggested modifications into the City's Implementation Plan. The City also agreed to issue coastal development permits for the City of Carmel upon certification of the LCP pursuant to a resolution adopted on October 5, 2004.

I have determined, and the Commission has concurred, that the City's action with respect to CML-IP-SUB-R2 is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's October 14, 2004 meeting in San Diego. As a result, the City's Implementation Plan and thus, the City's LCP, is certified as of October 14, 2004 and is now in effect.

Congratulations on the successful completion of your Local Coastal Plan. If you have any questions, please contact Mike Watson of my staff at (831) 427-4898.

Sincerely,

Peter Douglas  
Executive Director  
California Coastal Commission

cc: Karen Crouch, City Clerk Carmel-by-the-Sea